

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY LSH D.C.

55 MAY 27 AM 10:14

Robert R. Di Troia
CLERK U.S. DIST. CT.
W.D. OF TN MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 97-20190-Ma

KENNETH McMULLEN,

Defendant.

ORDER GRANTING
UNITED STATES' REQUEST FOR PSYCHIATRIC
EXAMINATION OF DEFENDANT PURSUANT TO
TITLE 18, UNITED STATES CODE, SECTION 4243

This cause came on to be heard this date, upon oral motion of the United States, and upon the entire record in this cause; and

IT SATISFACTORILY APPEARING TO THE COURT:

1. On July 5, 2002, the District Court entered an order granting a conditional release of the Defendant. A copy is attached hereto as **Exhibit 1**.

2. On April 19, 2005, a Petition was filed by the United States Probation Office alleging that the Defendant had violated certain conditions of his release, as those conditions were set forth in the above-referenced "Order Granting Conditional Release" (**Exhibit 1**).

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3. On April 22, 2005, the Defendant was brought, in custody, before United States Magistrate Judge Tu M. Pham, Defendant then being represented by court appointed counsel, pursuant to Title 18, United States Code, Section 4243(g).

4. The United States, based upon information concerning the defendant's conduct, as contained in the aforesaid Probation Officer's Petition, moved the Court for an order requiring further psychiatric and psychological examinations be conducted, regarding the Defendant.

5. Title 18, United States Code, Section 4243(g) provides that the Court shall conduct a hearing to determine "whether [the Defendant] should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another." These examinations are needed in order to assist the Court in making an informed decision as required by Section 4243(g).

6. The above-referenced motion of the United States should be granted, for good cause shown;

IT IS THEREFORE ORDERED:

1. Pursuant to Title 18, United States Code, Sections 4243, the defendant, KENNETH McMULLEN is remanded to the custody of Attorney General, to be transported forthwith to the United States Medical Center for Federal Prisoners in Springfield, Missouri, and to remain at said Medical Center for a period not to exceed forty-five (45) days.

2. During the abovesaid period of time, psychiatric and psychological examinations shall be conducted, regarding this defendant, and a report filed with the Court, pursuant to the provisions of Section 4247(b) and (c).

ENTER THIS 27th DAY OF MAY, 2005.



~~TUM PHAM~~

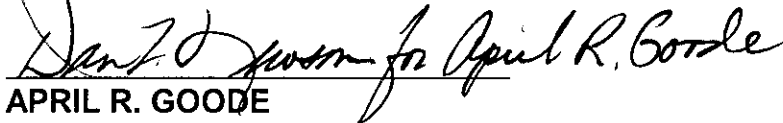
United States Magistrate Judge

Approved:



DAN L. NEWSOM

Assistant U.S. Attorney



APRIL R. GOODE

Assistant Federal Defender
Attorney for the Defendant

By
Permission



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This notice confirms a copy of the document docketed as number 51 in case 2:97-CR-20190 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT